IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

LA.App..No. 971 of 2001()

LAR.270/1994 of II ADDL.SUB COURT,TRIVANDRUM
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APPELLANT:

STATE OF KERALA

BY GOVERNMENT PLEADER SRI.K.V.MANOJ

RESPONDENTS:
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*(1. P.UMABAN BEEVI, T.C.22/571, MANACAUD VILLAGE, THIRUVANANTHAPURAM) (DIED)

2. N.NOORJAHAN, T.C.41/1501, MUTTATHARA VILLAGE, THIRUVANANTHAPURAM

3. R.SULAIKHABEEVI, T.C.35/1541, MUTTATHARA VILLAGE, THIRUVANANTHAPURAM

4. P.UMMALKULUSU OF DO. DO.

5. N.SHAHITHA BEEVI, KOPPRAPURA VEEDU, NATTACHIVILAKAM, VIZHINJAM VILLAGE, THIRUVANANTHAPURAM

6. S.ABDUL NAZAR, T.C.35/1541, MUTTATHARA VILLAGE, THIRUVANANTHAPURAM

*LRS OF DECEASED R1 IMPLEADED AS ADDL.R7 TO R11.

ADDL.RESPONDENTS IMPLEADED:

ADDL.R7) ABOOBACKER, T.C.22/57, N.K.MANZIL, KANHIPURA LANE, S.M.N.174, MANACAUD P.O. THIRUVANANTHAPURAM

ADDL.R8) SRI.AMEER HAMSA, T.C.49/936, KUTHUKATTILMOODU, MANACAUD P.O., THIRUVANANTHAPURAM

ADDL.R9) SMT.UMMANKULUZ,
SUBAIN MANZIL, T.C.49/411(3)
KUTHUKALLINMOODU,
MANACAUD P.O.,
THIRUVANANTHAPURAM

ADDL.R10) SMT.SUBAIDA BEEVI,
SUBAIN MANZIL, T.C.49/411(3)
KUTHUKALLINMOODU,
MANACAUD P.O.,
THIRUVANANTHAPURAM

ADDL.R11) SMT.HAVALATHU BEEVI,
SUBAIN MANZIL, T.C.49/411(3)
KUTHUKALLINMOODU,
MANACAUD P.O.,
THIRUVANANTHAPURAM

LEGAL HEIRS OF THE DECEASED 1ST RESPONDENT ARE IMPLEADED AS ADDITIONAL RESPONDENTS 7 TO 11 AS PER ORDER DT. 13-6-2006 IN I.A.1834/05.

BY ADV. SRI.A.AHZAR
SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.971 of 2001

Dated this the 10th day of October, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.270/1994 on the file of the Sub Court, Trivandrum. The acquisition is for Trivandrum Air Port. The claimants attempted to place reliance on Ext.A1 document executed on 20-7-1983. Section 4 (1) notification in the instant case is on 30-12-1990. The reference court elaborately referring to the locational advantages of Ext.A1, observed that the acquired property cannot be compared with Ext.A1. However, taking note of the fact that the acquired property is included in D category where the land value is fixed at Rs.29,617/- per Are and the further fact that the acquired land is lying about 750 metres from the N.S. depot road, the reference court referred to Ext.A1 and fixed the land value by reducing 20% of the value given in Ext.A1, though Ext.A1 is executed seven years prior to the Section 4(1) notification. The reference court has rightly taken note of the fact that the extent involved in Ext.A1 is only 2 cents whereas the acquired property is fairly a large extent of 25.05 Ares. It was in such circumstances only 20% of the value was reduced though Ext.A1 document is executed

seven years prior to the Section 4(1) notification. On behalf of the claimants Ext.A1 was marked and AW2 had deposed about the locational importance of the place and the land value. No witness is seen examined on behalf of the respondent. Exts.A2 and A3 are copies of certificate issued by the Kerala State Financial Corporation and the memo issued by the KSEB respectively.

In the above facts and circumstances of the case we are of the view that the fixation made by the reference court, even by reducing 20% of the land value of a transaction which took place seven years prior to the section 4(1) notification, is only just, reasonable and proper. Therefore, this appeal is dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.971 of 2001

JUDGMENT

10th October, 2007